



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
DIVISION OF LABOR STANDARDS

## WORKPLACE SAFETY

### Required Safety Training

The **Construction Safety Training Act**, Section 292.675, RSMo, contains provisions requiring all contractors and subcontractors who enter into contracts with public bodies for construction of public works to train their on-site employees regarding the potential hazards they may encounter while working on the project. The training may be accomplished by providing a standard OSHA 10-Hour Construction course or similar program provided it is as stringent as the OSHA 10-hour program **and** approved by the Division of Labor Standards ("Division").

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### Construction Safety Training Act

Required Safety Training is OSHA 10 Training (a 10-hour course in construction safety and health taught by an OSHA approved instructor), or similar program at least as stringent as OSHA 10 Training, that is approved by the Division. The training requirement applies to all public works projects let for bid on or after August 28, 2009. All on-site employees of a contractor or subcontractor working on a project let on or after this date must complete the Required Safety Training within 60 days of beginning work on a project.

#### *Required Safety Training and Documentation of Completion of that Training*

All on-site employees of contractors and subcontractors engaged in the construction of public works must complete the 10-hour Required Safety Training.

All on-site employees of a contractor or subcontractor must have certification of successful completion of Required Safety Training within 60 days of beginning work on a public works project. On-site employees must provide documentation that they have successfully completed the Required Safety Training within the required time period. If they cannot do so within 20 days of a request for such documentation, they must be removed from the project and their employers will be subject to penalties as described in the Act.

#### *Information about Training Programs*

Training programs may be conducted without prior Division approval. However, any training program found to be non-compliant upon examination by the Division will result in disqualification of all employees who attended the training program and the penalties for non-compliance will apply.

### ***“On-site” employees***

“On-site” employees are workers employed by contractors and subcontractors that are directly engaged in construction at the site of the public works. “Directly engaged in construction” means work performed in the actual erection of the structure or completion of the improvement constituting the public works. In addition, workers at nearby or adjacent facilities used by the contractor or subcontractor for construction of the public works are “on-site employees”. Workers engaged solely in the transportation of materials, fuel, or equipment to the site of the public works shall not be deemed to be directly engaged in construction. But workers that are engaged in the transportation of materials, fuel, or equipment from one place on the site of construction to another place on-site are also “on-site employees”.

### ***Information about drivers***

A driver who merely delivers materials, fuel, or equipment to the site is not required to complete Required Safety Training. But if the driver also assists in loading or unloading the truck once at the site, or engages in any other work at the site, then the driver is considered an on-site employee directly engaged in construction and the driver must complete Required Safety Training.

### ***Information about Delivery Workers***

The Division has **never** taken the position that the Construction Safety Training Act applies to food delivery workers or to mail service workers. The Act only applies to the on-site employees of a contractor or subcontractor who are directly engaged in construction.

### ***Employees Working Directly for a Public Body Do Not Have to Complete Required Safety Training***

Employees of public bodies are not required to complete the training. Only on-site employees of contractors and subcontractors are required to complete Required Safety Training.

### ***Noncompliance and Penalties***

On-site employees who have not completed Required Safety Training as required by the Construction Safety Act must be removed from the project and the employer will be subject to penalties as described in the Act. On-site employees who cannot provide proper documentation of completion of Required Safety Training when requested will be afforded 20 days to produce the documentation. If the documentation is not provided within 20 days, the employees (so long as at least 60 days have passed after they began work on any public works project following the effective date of the Construction Safety Act (August 28, 2009)) must be removed from the project. If any such employee continues to work thereafter, penalties will be assessed under the Construction Safety Act.

The penalty for each non-compliant worker is \$2,500 plus \$100 for each calendar day, or portion of a day, that the employee worked on-site. Each contractor and subcontractor is liable for the penalties incurred as a result of its own on-site employees who are not compliant with the required safety training. Additionally, each contractor and subcontractor is also jointly liable for the penalties incurred as a result of on-site employees of any of its subcontractors who are not compliant with the required safety training. If the penalty arose due to a non-compliant worker of a subcontractor, the general contractor or superior subcontractor may withhold the amount of any penalty levied from any monies due to the subcontractor relating to the public works project. If payments to the subcontractor have already been made in full, the general contractor or superior contractor may

pursue collection of the penalty in the Circuit Court in the county where the public works project was located.

### ***Questions and Answers about the Required Training***

#### **Do the terms “contractors” and “subcontractors” exclude architects, engineers, etc., who do not have any on-site employees?**

The terms “contractors” and “subcontractors,” as defined in the statute, only include businesses that employ on-site employees. If a contractor or subcontractor does not employ on-site employees, then that contractor and/or subcontractor is not subject to the Construction Safety Training Act. Thus, if an architect, engineer, etc., does not employ any on-site employees, the architect, engineer, etc., is not subject to the Construction Safety Training Act. If an architect or engineer is assigned to the project on a daily basis, he/she is considered an on-site employee. Or, if an architect or engineer who only visits the site periodically engages in any construction activity, he/she is also considered an on-site employee.

#### **The Construction Safety Training Act Does Not Apply to Federally Funded Projects**

Any project funded entirely by federal funds is not covered by the Construction Safety Training Act. However if any other public funds are involved, the law does apply.

#### **Do on-site employees have to complete Required Safety Training each time the employee works on a public works project?**

No. OSHA 10 completion cards for 10-hour courses do not expire. Documentation that an employee successfully completed Required Safety Training or a training program that would have met the standards now mandated for Required Safety Training within 60 days of beginning on-site work is compliant with the law. If an on-site employee completed a non-OSHA 10 training program specifically designed to fit the employee’s on-site duties for a previous project, that employee may have to complete further training if he or she is not engaged in the same job function for which the employee received non-OSHA 10 training.

#### **What is needed for a training program other than an OSHA 10 hour program to be approved by the Division?**

Non-OSHA training programs must be similar to, and at least as stringent as, an OSHA 10-hour safety training program. Note that non-OSHA 10 training programs may be specifically structured to fit the on-site duties of an employee, but again the program must be as stringent as an OSHA 10-hour safety training program. Programs, particularly customized training programs, should be submitted to the Division for approval.

#### **Where should a training program be sent for approval as Required Safety Training?**

Programs may be mailed to: Missouri Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102

**My employees work on public works projects, but they work away from the areas of the site where the primary construction is occurring and therefore are not exposed to most of the hazards found on a construction project. Do my employees have to be trained on hazards they will not encounter?**

All on-site employees of a contractor or subcontractor must complete Required Safety Training. But employees are not limited solely to the standard OSHA 10 Training program to fulfill the training requirements of the Construction Safety Training Act. If the contractor or subcontractor determines that the standard OSHA 10 Training program would not be beneficial for a particular employee or class of employees, it may find or structure a safety training program that is specifically tailored to the on-site duties of those employees and submit it to the Division for approval. The Division simply requires that any alternative training program be as stringent as an OSHA 10 Training program. The Division will not accept proof that an employee successfully completed a customized alternative safety training program as a fulfillment of the training requirement of the Act unless the employee is engaged in the same job functions for which he or she received customized alternative training.

**Can employees credit training hours from previous courses towards the 10 hours of Required Safety Training?**

Prior training courses targeted at specific topics may count towards the 10 hours of Required Safety Training. Upon the provision of appropriate documentation, the Division will make an assessment as to how much credit will be given.

**What happens if an on-site employee completes a training program that the Division later decides not to approve?**

Proof of training from a training course that the Division does not approve will not be considered to be compliant with the law. Any on-site employee who received training through a training program that the Division does not approve must be removed from the project and the employer will be subject to penalties as described in the Construction Safety Training Act.

**If the employee received training prior to August 28, 2009, will it be acceptable?**

OSHA completion cards for 10-hour courses do not expire. The Division will accept proof that an on-site employee successfully completed 10 hours of OSHA training prior to August 28, 2009, as a fulfillment of the safety training requirement of the Construction Safety Training Act. Proof of other training may also be submitted to the Division for review to determine whether the other training will fulfill the training requirement of the Act. Generally, the Division will accept proof that an employee has successfully completed training from a previous program if the program would have met the standards now mandated for Required Safety Training.

**Should contractors and subcontractors attach a copy of proof of successful completion of Required Safety Training to the first certified payroll submitted to the contracting agency and on succeeding payrolls when a new employee is listed?**

This practice is acceptable (and may be considered a good practice), but it is not required. Submission of proof of successful completion of training is not required until requested by the Division.

**What happens if the Division approved a training program, but later learned that the attendees did not receive a full 10 hours of training?**

On-site employees must receive 10 hours of Required Safety Training. If an on-site employee has documentation that he or she successfully completed Required Safety Training from a program that did not actually provide 10 hours of training, the documentation is fraudulent. The Division will not accept fraudulent documentation as it is not compliant with the law. On-site employees providing such documentation must be removed from the project and the employer will be subject to penalties as described in the Construction Safety Training Act.

**Where can employees get the required training?**

A list of OSHA 10 training programs is available at [outreachtrainers.org/client/trainer\\_results.aspx](http://outreachtrainers.org/client/trainer_results.aspx). Note that this is not a complete list of training programs. Employees may also complete 10 hours of non-OSHA 10 training as long as the training program is at least as stringent as an OSHA 10 training program and has been approved by the Division. A list of **training providers** that have notified the Division that they provide training is given below. Information about available training programs may also be obtained from workers' compensation insurance providers.

***OSHA 10 Training is available from \*:***

Builders Association: [www.buildersassociation.org](http://www.buildersassociation.org)

Associated General Contractors: [www.agcmo.org](http://www.agcmo.org)

Missouri State Building Trades Association: [www.buildmo.org](http://www.buildmo.org)

OSHA On-Line Training: [www.oshaclasses.com](http://www.oshaclasses.com)

\*Note: These organizations are not the only providers of OSHA 10 Training.

In addition to the OSHA 10 hour construction safety program, these other OSHA programs would also be acceptable.

OSHA 30 hour construction safety program (cards are issued)

The Hazwoper 40 hour class contains sections regarding basic construction safety but focuses on hazardous materials. Because 192.675 allows for specialized training, this course would also be acceptable and cards are issued for this class as well.

MSHA training classes 48A, 48B & 46 all fall in the same category as the OSHA Hazwoper class as specialized training. Anyone working in a mining type operation will have this training. These courses are documented through certificates of training (5000-23).

In addition to the organizations already listed, the following have submitted programs and have been approved.

Jeff Daniel  
Restore America  
Dayton, OH

Anne Moreland  
Meadowlark, Inc. & Electrical Contractors Inc.  
Cape Girardeau, MO

Jarrett Edgeman  
Bryant Edgeman Construction  
Marshfield, MO

Kevin Nordhues  
Vance Brothers, Inc.  
Kansas City, MO

Brian Wilson  
Deffenbaugh Industries  
Kansas City, MO

Steve Spencer  
LaForge  
Wichita, KS